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| EXAMINER |
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| PATEL, CHIRAG R |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 10/648,004 | LUND, MARTIN |
| | | Examiner | Art Unit | |
| | | CHIRAG R. PATEL | 2454 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>25 March 2010</u>.

2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-30 and 32</u> is/are rejected.

7) ☒ Claim(s) <u>31, 33</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>03 August 26 and 05 December 2007</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March

25, 2010 has been entered.


### Response to Arguments

Applicant's arguments with respect to claims 1-33 have been considered but are

moot in view of the new ground(s) of rejection.

Applicants arguments are directed to that the cited prior art fails to disclose the

added claim limitations.   Please see the body of the rejection for a discussion of the

added claim limitations.

Applicants argue that Abjanic's switch port number is the alleged "first identifier",

since the port number is merely a location of the port of the alleged switch without

identifying the switch itself.

Examiner asserts that Abjanic discloses per [0073], " Because content based

message director 145 may be optional in some instances, switch 165 may switch the

transformed message using address-based routing or switching techniques, such as

switching to a particular output port of switch 165 based on source and/or destination

address and port numbers provided in the message or provided in a header of a packet

carrying the message. The port number is equated as the initial destination address

which is specified in the header of the packet as it serves as an identifier of the switch

through which the message is routed through.  Examiner argues that the port number is

an identifier of a switch. The port numbers, which refer to the physical ports of the

switch, is equated as one of the multitude of identifiers of the switch.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-20 and 32 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

As per claim 11, "machine-readable storage" is directed is directed to transitory

and non-statutory subject matter such as signals and carrier waves.  Examiner suggest

an amendment "non-transitory machine-readable storage"  This amendment would not

be considered new matter.

See MPEP 2106, "See, *e.g.*, *In re Nuitjen*, Docket no. 2006-1371 (Fed. Cir. Sept.

20, 2007)(slip. op. at 18)("A transitory, propagating signal like Nuitjen's is not a 'process,

machine, manufacture, or composition of matter.' . Thus, such a signal cannot be

patentable subject matter.")."

Claims 12-20, and 32 which depend from claim 11, also fail to add subject matter

which meet a statutory category of invention (process, machine, manufacture, or

composition of matter).


### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kennedy et al. – hereinafter Kennedy (US 7,225,247) in view of Abjanic et al. –

hereinafter Abjanic (US 2003/0069975) / Hendel (US 5,920,566)


As per claim 1, Kennedy discloses a method for communicating information in a

server, the method comprising:

receiving at a common switch, at least one packet (Col 5 line 49-Col 6 line 11;

Management controller 120 packetizes the information) from a first blade server of a

plurality of blade servers, wherein said at least one packet is designated for at least a

second blade server of said plurality of blade servers, and wherein said first blade

server and said at least a second blade server are coupled to common switch via a

common bus (Col 5 line 49- Col 6 line 11; Chassis management module 580

orchestrates the exchange of management information between blade servers 500

through 500G; Figure 5: Items 500A-500G)

   Kennedy fails to disclose determining at least a first identifier identifying said

common switch, a second identifier identifying said first blade server, and at least a third

identifier identifying said second blade server, wherein said first, second and third

identifiers are located within a header portion of said received at least one packet; and

   modifying said at least one packet from said first blade server by changing said

first identifier within said header portion; and routing via said common switch, at least a

portion of said modified at least one received packet from said first blade server to at

least said second blade server, based on said header portion of said modified at least

one received packet.

   Hendel discloses modifying said at least one packet from said first blade server

by changing said first identifier within said header portion; and (abstract; modify the

packets in hardware, including replace VLAN information, and forward the packets to

the next hop, Col 8 lines 15-26; NEW VID address field 353 allows the MLDNE to be

configured to support virtual LANs (VLANs). The associated data also includes a NEW

VLAN identification (VID) TAG field, used to notify the subsystem of a need to change

the packet's VID, particularly when forwarding the packet across subnetworks)

   Abjanic disclose determining at least a first identifier identifying said common

switch, a second identifier identifying said first blade server, and at least a third identifier

identifying said second blade server, wherein said first, second and third identifiers are

located within a header portion of said received at least one packet; and ([0073];

switching to a particular output port of switch 165 based on source and/or destination

address and port numbers provided in the message or provided in a header of a packet

carryin the message , [0083]; a computer chassis where cards or blades can be plugged

in)

     routing via said common switch, (Figure 7: item 710)at least a portion of said

modified at least one received packet to at least said second blade server, based on

said determined first, second and third identifiers from said header portion of said at

least one received packet. ([0073])

     At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to modify Kennedy to disclose determining at least a first

identifier identifying said common switch, a second identifier identifying said first blade

server, and at least a third identifier identifying said second blade server, wherein said

first, second and third identifiers are located within a header portion of said received at

least one packet; and

     routing via said common switch, at least a portion of said at least one received

packet to at least said second blade server, based on said determined first, second and

third identifiers from said header portion of said at least one received packet.  The

motivation for doing do would have been to switch the message to a selected server or

processing node. (Abenjic, abstract) and to be able to operate at bridge-like speeds, yet

be capable of routing packets across different subnetworks and provide upper layer

functionalities such as quality of service. (Hendel, Col 4 lines 43-50)


As per claim 2, Kennedy / Abjanic / Hendel disclose the method according to

claim 1. Kennedy fails to disclose transferring said header portion of said at least one

received packet to said routing of said modified at least said second blade server via

said common switch. Abjanic discloses comprising transferring said header portion of

said at least one received packet to said routing of said modified at least said second

blade server via said common switch. ([0073]) At the time the invention was made, it

would have been obvious to a person of ordinary skill in the art to modify Kennedy to

disclose transferring said header portion of said at least one received packet to said

routing of said modified at least said second blade server via said common switch. The

motivation for doing do would have been to switch the message to a selected server or

processing node. (Abenjic, abstract)


As per claim 3, Kennedy / Abjanic / Hendel disclose the method according to

claim 1. Kennedy fails to disclose wherein said common switch comprises a switch

blade coupled to said common bus, and wherein said switch bade controls said routing

of said header portion of said modified at least one received packet. Abjanic discloses

wherein said common switch comprises a switch blade coupled to said common bus,

[0083]; a computer chassis where cards or blades can be plugged in; Figure 7: item

710) and wherein said switch bade controls said routing of said header portion of said

modified at least one received packet.  ([0073]; switching to a particular output port of switch 165 based on source and/or destination address and port numbers provided in the message or provided in a header of a packet carrying the message)    At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein said common switch comprises a switch blade coupled to said common bus, and wherein said switch bade controls said routing of said header portion of said modified at least one received packet.  The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 4, Kennedy / Abjanic / Hendel disclose the method according to claim 1.  Kennedy fails to disclose wherein said common bus comprises a common backplane.   Abjanic discloses wherein said common bus comprises a common backplane  ([0083]; Several of the functional elements of transforming switch 710A can be combined into one or more computer systems or boxes, for example, sharing one or more processors, memory, bus, etc.)  At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein said common bus comprises a common backplane.  The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 5, Kennedy / Abjanic / Hendel disclose the method according to claim 1. Kennedy fails to disclose wherein said common switch comprises a bus transceiver and a bus controller. Kennedy discloses wherein said common switch comprises a bus transceiver ([0073]; ports) and a bus controller. ([0083]; processor) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein said common switch comprises a bus transceiver and a bus controller. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 6, Kennedy / Abjanic / Hendel disclose the method according to claim 1. Kennedy fails to disclose wherein each of said first, second, and third identifiers comprises one or both of a MAC address and / or an IP address. Abjanic discloses wherein each of said first, second, and third identifiers comprises one or both of a MAC address and / or an IP address. ([0028])    At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein each of said first, second, and third identifiers comprises one or both of a MAC address and / or an IP address. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 7, Kennedy / Abjanic / Hendel disclose the method according to claim 1. Kennedy fails to disclose acquiring said second identifier of said first blade

server; and transferring via said common switch, said second identifier of said first blade

server to at least said second blade server. Abjanic discloses comprising: acquiring

said second identifier of said first blade server; and transferring via said common switch,

said second identifier of said first blade server to at least said second blade server.

([0073])      At the time the invention was made, it would have been obvious to a person

of ordinary skill in the art to modify Kennedy to disclose acquiring said second identifier

of said first blade server; and transferring via said common switch, said second identifier

of said first blade server to at least said second blade server. The motivation for doing

do would have been to switch the message to a selected server or processing node.

(Abenjic, abstract)


As per claim 8, Kennedy / Abjanic / Hendel disclose the method according to

claim 1. Kennedy fails to disclose comprising broadcasting said header portion of said

modified at least one received packet on said common switch. Hendel discloses

comprising broadcasting said header portion of said modified at least one received

packet on said common switch. (Col 11 lines 43-56; A packet's VLAN, in general,

defines the Layer 2 topology used for flooding, in other words the broadcast domain)

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify Kennedy to disclose broadcasting said header portion of said

modified at least one received packet on said common switch. The motivation for doing

do would have been to be able to operate at bridge-like speeds, yet be capable of

routing packets across different subnetworks and provide upper layer functionalities

such as quality of service. (Hendel, Col 4 lines 43-50)


As per claim 9, Kennedy / Abjanic / Hendel disclose the method according to

claim 1. Kennedy fails to disclose receiving a broadcast containing said modified at

least one received packet. Hendel discloses receiving a broadcast containing said at

least one received packet. (Col 11 lines 43-56; If the packet's TTL was exceeded, then

in block 707 the packet may be flooded, not routed, to its VLAN)  At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

modify Kennedy to disclose receiving a broadcast containing said at least one received

packet. The motivation for doing do would have been to be able to operate at bridge-

like speeds, yet be capable of routing packets across different subnetworks and provide

upper layer functionalities such as quality of service. (Hendel, Col 4 lines 43-50).


As per claim 10, Kennedy / Abjanic / Hendel disclose the method according to

claim 1 and Kennedy discloses comprising receiving at least one packet from said

second blade server and transferring via said common switch, said header portion of

said at least one packet received from said second blade server to at least one of said

first blade server and a third blade server. (Col 5 line 49 – Col 6 line 11; an application

running on blade server 500 sends information to serial controller 130 using standard

serial controller drivers. Serial controller 130 redirects the information to management

controller 120. Management controller 120 packetizes the information (e.g., using

packetizer 440) and delivers the packets to management bus 570. The packets may be

sent to blade server 500B)


As per claim 11, Kennedy discloses a machine-readable storage having stored

thereon, a computer program having at least one code section for communicating

information in a server, the at least one code section being executable by a machine for

causing the machine to perform steps comprising: (Col 2 line 65-Col 3 line 11; some

aspects of the method and apparatus are implemented as software routines)

receiving at a common switch, at least one packet (Col 5 line 49-Col 6 line 11;

Management controller 120 packetizes the information) from a first blade server of a

plurality of blade servers, wherein said at least one packet is designated for at least a

second blade server of said plurality of blade servers, and wherein said first blade

server and said at least a second blade server are coupled to common switch via a

common bus (Col 5 line 49- Col 6 line 11; Chassis management module 580

orchestrates the exchange of management information between blade servers 500

through 500G; Figure 5: Items 500A-500G)

Kennedy fails to disclose determining at least a first identifier identifying said

common switch, a second identifier identifying said first blade server, and at least a third

identifier identifying said second blade server, wherein said first, second and third

identifiers are located within a header portion of said received at least one packet; and

modifying said at least one packet from said first blade server by changing said

first identifier within said header portion; and routing via said common switch, at least a

portion of said modified at least one received packet from said first blade server to at

least said second blade server, based on said header portion of said modified at least

one received packet.

Hendel discloses modifying said at least one packet from said first blade server

by changing said first identifier within said header portion; and (abstract; modify the

packets in hardware, including replace VLAN information, and forward the packets to

the next hop, Col 8 lines 15-26; NEW VID address field 353 allows the MLDNE to be

configured to support virtual LANs (VLANs). The associated data also includes a NEW

VLAN identification (VID) TAG field, used to notify the subsystem of a need to change

the packet's VID, particularly when forwarding the packet across subnetworks)

Abjanic disclose determining at least a first identifier identifying said common

switch, a second identifier identifying said first blade server, and at least a third identifier

identifying said second blade server, wherein said first, second and third identifiers are

located within a header portion of said received at least one packet; and ([0073];

switching to a particular output port of switch 165 based on source and/or destination

address and port numbers provided in the message or provided in a header of a packet

carrying the message, [0083]; a computer chassis where cards or blades can be

plugged in)

routing via said common switch, (Figure 7: item 710)at least a portion of said

modified at least one received packet to at least said second blade server, based on

said determined first, second and third identifiers from said header portion of said at least one received packet. ([0073])

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose determining at least a first identifier identifying said common switch, a second identifier identifying said first blade server, and at least a third identifier identifying said second blade server, wherein said first, second and third identifiers are located within a header portion of said received at least one packet; and

routing via said common switch, at least a portion of said at least one received packet to at least said second blade server, based on said determined first, second and third identifiers from said header portion of said at least one received packet. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract) and to be able to operate at bridge-like speeds, yet be capable of routing packets across different subnetworks and provide upper layer functionalities such as quality of service. (Hendel, Col 4 lines 43-50)

As per claim 12, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11.  Kennedy fails to disclose transferring said header portion of said at least one received packet to said routing of said modified at least said second blade server via said common switch.   Abjanic discloses comprising transferring said header portion of said at least one received packet to said routing of said  modified at least said second blade server via said common switch.  ([0073]) At

the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify Kennedy to disclose transferring said header portion of said at

least one received packet to said routing of said  modified at least said second blade

server via said common switch.  The motivation for doing do would have been to switch

the message to a selected server or processing node. (Abenjic, abstract)


As per claim 13, Kennedy / Abjanic / Hendel disclose the machine-readable

storage according to claim 11.  Kennedy fails to disclose wherein said common switch

comprises a switch blade coupled to said common bus, and wherein said switch bade

controls said routing of said header portion of said modified at least one received

packet.   Abjanic discloses wherein said common switch comprises a switch blade

coupled to said common bus, ([0083]; a computer chassis where cards or blades can be

plugged in; Figure 7: item 710) and wherein said switch bade controls said routing of

said header portion of said modified at least one received packet.  ([0073]; switching to

a particular output port of switch 165 based on source and/or destination address and

port numbers provided in the message or provided in a header of a packet carrying the

message)   At the time the invention was made, it would have been obvious to a person

of ordinary skill in the art to modify Kennedy to disclose wherein said common switch

comprises a switch blade coupled to said common bus, and wherein said switch bade

controls said routing of said header portion of said modified at least one received

packet.  The motivation for doing do would have been to switch the message to a

selected server or processing node. (Abenjic, abstract)

As per claim 14, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11. Kennedy fails to disclose wherein said common bus comprises a common backplane. Abjanic discloses wherein said common bus comprises a common backplane ([0083]; Several of the functional elements of transforming switch 710A can be combined into one or more computer systems or boxes, for example, _sharing_ one or more processors, memory, bus, etc.) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein said common bus comprises a common backplane. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 15, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11. Kennedy fails to disclose wherein said common switch comprises a bus transceiver and a bus controller. Kennedy discloses wherein said common switch comprises a bus transceiver ([0073]; ports) and a bus controller. ([0083]; processor)     At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein said common switch comprises a bus transceiver and a bus controller. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 16, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11. Kennedy fails to disclose wherein each of said first, second, and third identifiers comprises one or both of a MAC address and / or an IP address. Abjanic discloses wherein each of said first, second, and third identifiers comprises one or both of a MAC address and / or an IP address. ([0028])      At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose wherein each of said first, second, and third identifiers comprises one or both of a MAC address and / or an IP address. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)


As per claim 17, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11. Kennedy fails to disclose acquiring said second identifier of said first blade server; and transferring via said common switch, said second identifier of said first blade server to at least said second blade server. Abjanic discloses comprising: acquiring said second identifier of said first blade server; and transferring via said common switch, said second identifier of said first blade server to at least said second blade server. ([0073])      At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose acquiring said second identifier of said first blade server; and transferring via said common switch, said second identifier of said first blade server to at least said second

blade server. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claims 18, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11. Kennedy fails to disclose comprising broadcasting said header portion of said modified at least one received packet on said common switch. Hendel discloses comprising broadcasting said header portion of said modified at least one received packet on said common switch. (Col 11 lines 43-56; A packet's VLAN, in general, defines the Layer 2 topology used for flooding, in other words the broadcast domain) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose broadcasting said header portion of said modified at least one received packet on said common switch. The motivation for doing do would have been to be able to operate at bridge-like speeds, yet be capable of routing packets across different subnetworks and provide upper layer functionalities such as quality of service. (Hendel, Col 4 lines 43-50)

As per claim 19, Kennedy / Abjanic / Hendel disclose the machine-readable storage according to claim 11. Kennedy fails to disclose receiving a broadcast containing said modified at least one received packet. Hendel discloses receiving a broadcast containing said at least one received packet. (Col 11 lines 43-56; If the packet's TTL was exceeded, then in block 707 the packet may be flooded, not routed, to its VLAN) At the time the invention was made, it would have been obvious to a person

of ordinary skill in the art to modify Kennedy to disclose receiving a broadcast

containing said at least one received packet.  The motivation for doing do would have

been to be able to operate at bridge-like speeds, yet be capable of routing packets

across different subnetworks and provide upper layer functionalities such as quality of

service. (Hendel, Col 4 lines 43-50)


As per claim 20, Kennedy / Abjanic / Hendel disclose the machine-readable

storage according to claim 11, and Kennedy discloses comprising receiving at least one

packet from said second blade server and transferring via said common switch, said

header portion of said at least one packet received from said second blade server to at

least one of said first blade server and a third blade server.  (Col 5 line 49 – Col 6 line

11; an application running on blade server 500 sends information to serial controller 130

using standard serial controller drivers. Serial controller 130 redirects the information to

management controller 120. Management controller 120 packetizes the information

(e.g., using packetizer 440) and delivers the packets to management bus 570. The

packets may be sent to blade server 500B)


As per claim 21, Kennedy discloses a system for communicating information in a

server, the system comprising:

receiving at a common switch, at least one packet (Col 5 line 49-Col 6 line 11;

Management controller 120 packetizes the information) from a first blade server of a

plurality of blade servers, wherein said at least one packet is designated for at least a

second blade server of said plurality of blade servers, and wherein said first blade

server and said at least a second blade server are coupled to common switch via a

common bus (Col 5 line 49- Col 6 line 11; Chassis management module 580

orchestrates the exchange of management information between blade servers 500

through 500G; Figure 5: Items 500A-500G)

Kennedy fails to disclose determining at least a first identifier identifying said

common switch, a second identifier identifying said first blade server, and at least a third

identifier identifying said second blade server, wherein said first, second and third

identifiers are located within a header portion of said received at least one packet; and

modifying said at least one packet from said first blade server by changing said

first identifier within said header portion; and routing via said common switch, at least a

portion of said modified at least one received packet from said first blade server to at

least said second blade server, based on said header portion of said modified at least

one received packet.

Hendel discloses modifying said at least one packet from said first blade server

by changing said first identifier within said header portion; and (abstract; modify the

packets in hardware, including replace VLAN information, and forward the packets to

the next hop, Col 8 lines 15-26; NEW VID address field 353 allows the MLDNE to be

configured to support virtual LANs (VLANs). The associated data also includes a NEW

VLAN identification (VID) TAG field, used to notify the subsystem of a need to change

the packet's VID, particularly when forwarding the packet across subnetworks)

Abjanic disclose determining at least a first identifier identifying said common

switch, a second identifier identifying said first blade server, and at least a third identifier

identifying said second blade server, wherein said first, second and third identifiers are

located within a header portion of said received at least one packet; and ([0073];

switching to a particular output port of switch 165 based on source and/or destination

address and port numbers provided in the message or provided in a header of a packet

carrying the message , [0083]; a computer chassis where cards or blades can be

plugged in)

routing via said common switch, (Figure 7: item 710)at least a portion of said

modified at least one received packet to at least said second blade server, based on

said determined first, second and third identifiers from said header portion of said at

least one received packet. ([0073])

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to modify Kennedy to disclose determining at least a first

identifier identifying said common switch, a second identifier identifying said first blade

server, and at least a third identifier identifying said second blade server, wherein said

first, second and third identifiers are located within a header portion of said received at

least one packet; and

routing via said common switch, at least a portion of said at least one received

packet to at least said second blade server, based on said determined first, second and

third identifiers from said header portion of said at least one received packet.  The

motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract) and to be able to operate at bridge-like speeds, yet be capable of routing packets across different subnetworks and provide upper layer functionalities such as quality of service. (Hendel, Col 4 lines 43-50)

As per claim 22, Kennedy / Abjanic / Hendel disclose the system according to claim 21. Kennedy fails to disclose transferring said header portion of said at least one received packet to said routing of said modified at least said second blade server via said common switch. Abjanic discloses comprising transferring said header portion of said at least one received packet to said routing of said modified at least said second blade server via said common switch. ([0073]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose transferring said header portion of said at least one received packet to said routing of said modified at least said second blade server via said common switch. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 23, Kennedy / Abjanic / Hendel disclose the system according to claim 21. Kennedy fails to disclose wherein said common switch comprises a switch blade coupled to said common bus, and wherein said switch bade controls said routing of said header portion of said modified at least one received packet. Abjanic discloses wherein said common switch comprises a switch blade coupled to said common bus,

([0083]; a computer chassis where cards or blades can be plugged in; Figure 7: item

710) and wherein said switch bade controls said routing of said header portion of said

modified at least one received packet. ([0073]; switching to a particular output port of

switch 165 based on source and/or destination address and port numbers provided in

the message or provided in a header of a packet carrying the message)    At the time

the invention was made, it would have been obvious to a person of ordinary skill in the

art to modify Kennedy to disclose wherein said common switch comprises a switch

blade coupled to said common bus, and wherein said switch bade controls said routing

of said header portion of said modified at least one received packet.  The motivation for

doing do would have been to switch the message to a selected server or processing

node. (Abenjic, abstract)


        As per claim 24, Kennedy / Abjanic / Hendel disclose the system according to

claim 21.  Kennedy fails to disclose wherein said common bus comprises a common

backplane.   Abjanic discloses wherein said common bus comprises a common

backplane ([0083]; Several of the functional elements of transforming switch 710A can

be combined into one or more computer systems or boxes, for example, _sharing_ one or

more processors, memory, bus, etc.)  At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to modify Kennedy to disclose

wherein said common bus comprises a common backplane.  The motivation for doing

do would have been to switch the message to a selected server or processing node.

(Abenjic, abstract)

As per claim 25, Kennedy / Abjanic / Hendel disclose the system according to
claim 21. Kennedy fails to disclose wherein said common switch comprises a bus
transceiver and a bus controller. Kennedy discloses wherein said common switch
comprises a bus transceiver ([0073]; ports) and a bus controller. ([0083]; processor)
At the time the invention was made, it would have been obvious to a person of ordinary
skill in the art to modify Kennedy to disclose wherein said common switch comprises a
bus transceiver and a bus controller. The motivation for doing do would have been to
switch the message to a selected server or processing node. (Abenjic, abstract)

As per claim 26, Kennedy / Abjanic / Hendel disclose the system according to
claim 21. Kennedy fails to disclose wherein each of said first, second, and third
identifiers comprises one or both of a MAC address and / or an IP address. Abjanic
discloses wherein each of said first, second, and third identifiers comprises one or both
of a MAC address and / or an IP address. ([0028])        At the time the invention was
made, it would have been obvious to a person of ordinary skill in the art to modify
Kennedy to disclose wherein each of said first, second, and third identifiers comprises
one or both of a MAC address and / or an IP address. The motivation for doing do
would have been to switch the message to a selected server or processing node.
(Abenjic, abstract)

As per claim 27, Kennedy / Abjanic / Hendel disclose the system according to claim 21. Kennedy fails to disclose acquiring said second identifier of said first blade server; and transferring via said common switch, said second identifier of said first blade server to at least said second blade server. Abjanic discloses comprising: acquiring said second identifier of said first blade server; and transferring via said common switch, said second identifier of said first blade server to at least said second blade server.

([0073])      At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose acquiring said second identifier of said first blade server; and transferring via said common switch, said second identifier of said first blade server to at least said second blade server. The motivation for doing do would have been to switch the message to a selected server or processing node. (Abenjic, abstract)

As per claims 28, Kennedy / Abjanic / Hendel disclose the system according to claim 1. Kennedy fails to disclose comprising broadcasting said header portion of said modified at least one received packet on said common switch. Hendel discloses comprising broadcasting said header portion of said modified at least one received packet on said common switch. (Col 11 lines 43-56; A packet's VLAN, in general, defines the Layer 2 topology used for flooding, in other words the broadcast domain) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose broadcasting said header portion of said modified at least one received packet on said common switch. The motivation for doing

do would have been to be able to operate at bridge-like speeds, yet be capable of

routing packets across different subnetworks and provide upper layer functionalities

such as quality of service. (Hendel, Col 4 lines 43-50)

As per claim 29, Kennedy / Abjanic / Hendel disclose the the system according to

claim 21. Kennedy fails to disclose receiving a broadcast containing said modified at

least one received packet. Hendel discloses receiving a broadcast containing said at

least one received packet. (Col 11 lines 43-56; If the packet's TTL was exceeded, then

in block 707 the packet may be flooded, not routed, to its VLAN)        At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

modify Kennedy to disclose receiving a broadcast containing said at least one received

packet. The motivation for doing do would have been to be able to operate at bridge-

like speeds, yet be capable of routing packets across different subnetworks and provide

upper layer functionalities such as quality of service. (Hendel, Col 4 lines 43-50)

As per claim 30, Kennedy / Abjanic / Hendel disclose the system according to

claim 21. Kennedy discloses comprising receiving at least one packet from said second

blade server and transferring via said common switch, said header portion of said at

least one packet received from said second blade server to at least one of said first

blade server and a third blade server. Col 5 line 49 – Col 6 line 11; an application

running on blade server 500 sends information to serial controller 130 using standard

serial controller drivers. Serial controller 130 redirects the information to management

controller 120. Management controller 120 packetizes the information (e.g., using

packetizer 440) and delivers the packets to management bus 570. The packets may be

sent to blade server 500B)


### *Allowable Subject Matter*

Claims 31 and 33 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject

matter:   As per claims 31 and 33, a thorough review of the prior art fails to disclose or

render obvious "overwriting said header portion, <u>said first identifier with said third</u>

<u>identifier located within said modified at least one packet, by said common switch</u>"

Examiner notes that claim 32 contains similar limitations (please see 101 rejections).


### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.  Kanuri et al. (US 7,079,537) is directed to a layer 3 switching

logic architecture which enables a router to be bypassed by replacing the MAC address

(specifying the router) with the destination IP address of the node.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966.  The examiner can normally be reached on Monday to Friday from 8:00AM to

4:30PM.  If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system.  Status information

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http://pairdirect.uspto.gov.  Should you have questions on access to the Private

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(toll free).

/Chirag R Patel/
Examiner, Art Unit 2454